

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAN 21 2022

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

HENRY UNSEL WASHINGTON PLAINTIFF

KANSKY DELISMA Defendants et al.

NO. 3:19-CV-00196
TUNGELENTHANPLAINTIFF'S RESPONSE TO CORRECTIONS DEFENDANTS
CONCISE STATEMENT OF UNDISPUTED MATERIAL FACTS,
DOC#152, DATED 10.20.21

I, HENRY UNSEL WASHINGTON, AM THE PLAINTIFF IN THE ABOVE CAPTION,

PLAINTIFF MOVES THIS COURT WITH PLAINTIFF RESPONSE TO CORRECTIONS DEFENDANTS CONCISE STATEMENT OF UNDISPUTED MATERIAL FACTS, DOC #152, DATED 10.20.21

PLAINTIFF'S MEDICAL ISSUES

1. OBJECTION: DEFENDANTS REFERENCE TO EXHIBIT THAT ARE SUPER HARD TO LOCATE AND NEVER WHERE THEY ARE SAID TO BE LOCATED, CONSIST OF ASSERTION-N-ALLEGATIONS, PROCLAIM EVENTS THAT NEVER TOOK PLACE
2. OBJECTION: WHY IS CORRECTIONS DEFENDANTS CONCERN ABOUT MEDICAL ISSUE, ONCE DEFENDANTS ARE DEPRIVING THE COURT, PLAINTIFF RIGHT EYE NOT THE LEFT EYE, PERTINENT TO THE INSTANT LEGAL ACTION WAS NOT PROVIDED CARE BY OPHTHALMOLOGIST, NOT SEEN BY OTOOLARYNGOLOGIST (ENT), GASTROLOGIST, UROLOGIST, PODIATRIST, CARDIOLOGIST. DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED
3. OBJECTION, NO CLAIMS ALLEGED CONCERNING A DENIAL OF CARE FOR WHIPPLE'S DISEASE, ALL PLAINTIFF COMPLAINT WERE EXPLAINED IN DETAIL, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED
4. OBJECTION: REFERENCE TO EXH 5, AT P. 102, A SELF-SERVING DOCUMENT CONTAINING HEARSAY, PROCLAIM EVENTS THAT NEVER TOOK PLACE, SEE DOC#127 AT 15; Docs#60-62 AT 137 DEFENDANTS, HAVE DUTY AS MOVANT TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.
5. OBJECTION: DENIAL IS NOT SUFFICIENT TO SUPPORT MOTION FOR SUMMARY, DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED
6. OBJECTION: EXHIBIT 5 IN ITS ENTIRETY CONTAIN DENIALS, HEARSAY, SELF-SERVING STATEMENTS-N-PROCLAIM EVENTS THAT DID NOT OCCUR. MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED; Doc#127 AT 15, 6, EXH 55 AT 18
7. OBJECTION: DENIAL-N-ALLEGATIONS ARE INSUFFICIENT SUPPORT FOR MOTION FOR SUMMARY JUDGEMENT, Docs#60-62 AT 143; Doc#127 AT 6, 17; EXH 55 AT 34, 3-B; EXH 5 IN ITS ENTIRETY IS A SELF-SERVING DOCUMENT, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED
8. OBJECTION: EXH 5, CONTAIN HEARSAY, AND PROCLAIM EVENTS THAT NEVER OCCURRED.
NO CLAIM ALLEGED AGAINST DEFENDANT, DELISMA ON 2.20.19, MOVANTS HAVE A DUTY

7. OBJECTION: NO CLAIM ALLEGED CONCERNING WHIPPLE DISEASE, MOVANT, DEFENDANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

9. OBJECTION: EXH 5 IS A SELF SERVING DOCUMENT, CONTAIN HEARSAY, ASSERTIONS NOT PRO-CLAIM ACTS THAT DID NOT OCCUR. Doc #27 AT 6-12; EXH 55 AT 6,13,13. DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

10. OBJECTION: EXH 5 IS A SELF SERVING DOCUMENT, PROCLAIM ACT THAT NEVER OCCURRED, ACCORDING TO THE PERSON ON THE SCREEN, WHEN ASKED, SAID HE WAS NOT A DOCTOR, HE WAS CONDUCTING AN INVESTIGATION FOR CENTRAL OFFICE CONCERNING A GRIEVANCE PLAINTIFF FILED. IT WASN'T UNTIL THE SUMMARY JUDGMENT STAGE DID PLAINTIFF DISCOVER THE PERSON WAS A DERMATOLOGIST. DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

11. OBJECTION: EXH 5, SELF SERVING DOCUMENT, PROCLAIM ACT THAT NEVER OCCURRED, ACCORDING TO THE PERSON ON THE SCREEN, WHEN ASKED, SAID HE WAS NOT A DOCTOR, HE WAS CONDUCTING AN INVESTIGATION FOR CENTRAL OFFICE CONCERNING A GRIEVANCE PLAINTIFF FILED. IT WASN'T UNTIL THE SUMMARY JUDGMENT STAGE DID PLAINTIFF DISCOVER THE PERSON WAS A DERMATOLOGIST. DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

12. OBJECTION: EXH 5, A SELF SERVING DOCUMENT, PROCLAIM ACTS THAT DID NOT OCCUR. (Doc #60-62) (Doc #27 AT 6,13,20; Docs #60-62 AT 146,147 EXH 55 AT 3-8,13,19 DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

13. OBJECTION: EXH 5, A SELF SERVING DOCUMENT CONTAIN CLAIMS OF EVENT THAT DID NOT OCCUR. (Doc #60-62 AT 148-150) Doc #27 AT 6,9-20,84; 86-88,10,111,116; EXH 55 AT 3-8,32,41 DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED. EXH 56 AT I-IX

14. OBJECTION: EXH 5, A SELF SERVING DOCUMENT, CONTAIN ACT THAT DID NOT OCCUR. NO CLAIM ALLEGED FOR WHIPPLE CARE. (Docs #60-62 AT 151; Doc #27 AT 6,9-12,38,39; 41-43,84; 110,111 EXH 55 AT 3-8,12,13,23,37-41; EXH 56 AT I-IX. DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

15. OBJECTION: NO CLAIM ALLEGED FOR ACTION ON 4.32.19 (SAME #16)

16. OBJECTION: EXH 5, SELF SERVING DOCUMENT, CONTAIN ACT THAT DID NOT OCCUR. (Doc #27 AT 6,15,22,84 EXH 55 AT 3-8,14,18,37-41; MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

17. OBJECTION: N.B. WHAT ARE CORRECTION DEFENDANTS SO CONCERN ABOUT MEDICAL ISSUES? EXH 5 AT P#50, A SELF SERVING DOCUMENT, PROCLAIM ACT THAT DID NOT OCCUR. (Docs #60-62 AT 158,159; Doc #27 AT 6,13,14,20,84; EXH 55 AT 3-8,14,23,37-41) ON MORE THAN ONE OCCASION MEDICAL PROFESSIONAL PHOTO COPIED THE SICK CALL REQUEST PLAINTIFF SUBMITTED INSTRUCTED PLAINTIFF TO RESUBMIT THE SAME SICK CALL REQUEST. DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL AND FAILED.

18. OBJECTION: EXH 5, SELF SERVING DOCUMENT, CLAIM ACT THAT DID NOT OCCUR. PLAINTIFF ADMISSIONS TO NOT CALL FOR COLONOSCOPY, NO CLAIM ALLEGED FOR ACTIONS ON 10.27.19

19. OBJECTION: EXH 5, SELF SERVING DOCUMENT, CLAIM ACT THAT DID NOT OCCUR. PLAINTIFF ADMISSIONS TO NOT CALL FOR COLONOSCOPY, NO CLAIM ALLEGED FOR ACTIONS ON 10.27.19

20. OBJECTION: EXH 5 AT P#56,57; SELF SERVING DOCUMENT, MAKE CLAIM OF ACTS THAT DID NOT OCCUR. Doc #27 AT 6,13,15,17,19,20,84,110,111,116; EXH 55:3-8,14,18,19,20,37-41. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

ERIAL FACT, AND FAILED

21. OBJECTION: NO CLAIM ALLEGED FOR ACTION ON 3.27.19

22. PLAINTIFF ALLEGES AND INCORPORATES BY REFERENCE PLAINTIFF BRIEF IN OPPOSITION TO MEDICAL DEFENDANTS MOTION FOR SUMMARY JUDGMENT; PLAINTIFF BRIEF IN OPPOSITION TO CORRECTIONS DEFENDANTS MOTION FOR SUMMARY JUDGMENT; PLAINTIFF RESPONSE TO STATEMENT OF UNCONTESTED FACTS; EXH 5, SELF SERVING DOCUMENT, CLAIMS ACT THAT DID NOT OCCUR, NO CLAIM ALLEGED FOR CARE PROVIDED.

23. N.B. THROUGHOUT THIS BRIEF (MEDICAL-N-CORRECTION, Docs# 159-141, 151; 153) DEFENDANTS HAVE REPEATEDLY STATED ASSERTIVELY THAT PLAINTIFF WAS TESTED FOR THIS DISEASE, THAT DISEASE, SEEN BY SPECIALIST; THIS YET ANOTHER INSTANCE WHERE DEFENDANT HAS CHOSE TO DECEIVE THIS COURT FOR THE SAKE OF BEING GRANTED THE MOTION FOR SUMMARY JUDGMENT (Docs# 60-62 AT 406; Doc# 127 AT 91-93, 102; EXH:55 AT 14, 23, 26, 36-41) e.g., CHECK THE REFERENCE DEFENDANTS MADE FOR THIS PARTICULAR CLAIM (EXH 2) LOCATED AT Doc# 153-2, PP 1, 2; FIRST AND FOREMOST, PLAINTIFF HAS NEVER SPoken WITH A DR. GREGORY PETER, THIS WAS DONE BY LACKAWANNA MOBILE X-RAY INC., "DIGITAL RADIOLOGY SERVICE", AT THE BOTTOM IS CITED THE WORK THEY SPECIALIZE IN, GASTROENTEROLOGY IS NOT LISTED; NOW GO TO PAGE 2, JAMES ZIMMERMAN, BOARD CERTIFIED RADIOLOGIST, PLAINTIFF IS ASKING WHERE ARE THE SIGNED CONSENT FORMS, DEFENDANTS HAVE NOT, AND CANNOT PROVIDE CONSENT FOR FOR TESTING BY A GSPCIALIST FOR WHIPPLES, WHICH MEANS AGAIN DEFENDANTS HAVE LIED TO THIS COURT, WHICH EXPLAINS WHY CORRECTIONS DEFENDANTS ARE SO CONCERN ABOUT MEDICAL ISSUES. EXH: 2, LIKEN TO EXH 5, IS SELF SERVING, AND USED TO PROCLAIM ACT THAT DID NOT OCCUR, DEFENDANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

N.B. THE EXACT SAME TWO DOCUMENTS FIRST SUBMITTED IN WASHINGTON V. BARN-HART 3:¹⁵ CV-607, TO SUPPORT A DIFFERENT THEORY, THIS IS JUST ONE SEVERAL DOCUMENTS DEFENDANTS ALSO SUBMITTED FOR SECOND TIME IN WASHINGTON V. DELISMA, (SEE Doc# 223-1, APP 550, 551, 557, 558 IN WASHINGTON, 3:17-CV-0870. OBJECTION

24. OBJECTION, EXH 1, P.52 LIKEN TO THE TYPICAL DOCUMENTS SUBMITTED BY DEFENDANTS, SELF SERVING, MISLEADING, PROCLAIM ACT THAT DID NOT OCCUR. NO CLAIM IS ALLEGED FOR WHIPPLES' DISEASE CARE, Docs# 60-62 AT 166. DEFENDANT, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

25. OBJECTION, EXH 1, P.49, A SELF SERVING DOCUMENT, PROCLAIM ACTS THAT DID NOT OC-
CUR. (Docs# 60-62 AT 167; Doc# 127 AT 14, 24-26, 53, 6, 28; EXH 55 AT 4, 5, 37-41) DEFENDANTS, MOVANT, HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

26. OBJECTION, EXH 1, SELF SERVING, CLAIM ACTS THAT DID NOT OCCUR. NO CLAIM IS ALLEGED FOR ACTS ON 12/19/2019; DEFENDANTS, MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

27. OBJECTION: EXH 1, P.44 AND 45, SELF SERVING, CLAIM ACTS THAT DID NOT OCCUR. NO CLAIM ALLEGED FOR ACTION ON 12/19/19. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE PRECEDING LUMINA/3:19-CV-00196

ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

28. OBJECTION: EXH. 1, PP. 38-40, DEFENDANT, KAUFFMAN ADMITTED TO BEING FAMILIAR WITH PLAINTIFF FOR HAVING SERVED DEFENDANT, KAUFFMAN, WHO DRAFTED THIS DOCUMENT WHICH CONTAIN SELF SERVING, AND CLAIM ACTS THAT DID NOT OCCUR. (DOC # 60-62 AT 168; 169; DOC # 127 AT 6; 13; 20; 17; EXH. 55 AT 3-9, 14; 23; 34; 37 EXH 56 AT I-IX) DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

29. OBJECTION: PLAINTIFF, IN SPITE OF WHAT EXH. 1, PP 8; 11; 16; 17; 17; 17, A SELF-SERVING DOCUMENT THAT PROCLAIMS ACT THAT NEVER OCCURRED. READS, PROVIDED INFORMATION IN DETAIL-N-SPECIFIC CONCERNING EACH AILMENT (DOC # 60-62 AT 17 AT 6; 13; 6); EXH. 55 AT 15; 16; DOC # 127 AT 52; 102). DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

30. OBJECTION: NO CLAIM IS ALLEGED FOR THE CARE PROVIDED. CLAIM ALLEGED FOR CARE. DEFENDANTS DENIED. DEFENDANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT.

31. OBJECTION: EXH. 1, PP. 16; 17; SELF-SERVING, CLAIM ACTS THAT DID NOT OCCUR. (DOC # 60-62 AT 184; 39; 41; 413 Doc # 127 AT 6; 20; 63; 84; 87; 95; Doc # 60-62 AT 414; 415; 417; 421; 423; EXH 55 AT 3-8; 37-41) DEFENDANTS, MOVANTS HAVE THE DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED. (DOC # 60-62 AT 21)

32. OBJECTION: EXH. 1, PP. 11-13; 17; 40; 70; 84; SELF-SERVING, CLAIM ACTS THAT DID NOT OCCUR. FIRST-IN-FORMOST, NO CLAIM ALLEGED FOR DENIAL OF CARE FOR WHEELES. HOWEVER, EVIDENCE. (DOC # 60-62 AT 63; 64; 65; 76-84; Doc # 127 AT 22; 6, 13, 20; 24; 93; EXH 55 AT 15; 16; Doc 127 AT 61; 52; 102) (EXH. 55 AT 3-8) IMPLY THAT WHEELES DISEASE. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

33. OBJECTION: EXH. 1, P. 8; SELF-SERVING, MAKE CLAIMS THAT DID NOT OCCUR. (DOC # 60-62 AT 21, 191; 192; 184; 39; 411; 413-415; 417; 421-423; Doc # 127 AT 6; 13; 20; 93; 84; 87; 95)

EXH. 55 AT 3-18; 14; 37-41) DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

34. OBJECTION: ALL EXHIBITS, SELF-SERVING, CLAIM ACTS THAT DID NOT OCCUR. (DOC # 60-62 AT 67; 74; 395; Doc # 127 AT 5) DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACTS, AND FAILED.

35. OBJECTION: EXH. 1, PT. 5; SELF-SERVING; PROCLAIM ACTS THAT DID NOT OCCUR. (DOC # 127 AT 93; 95; 84) DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUES OF MATERIAL FACT, AND FAILED.

36. OBJECTION: EXH. 1, P. 5, SELF-SERVING, CLAIM ACTS THAT DID NOT OCCUR. (Doc. 127 AT 6; 20; EXH 55 AT 3-8; 37-41; Doc. 127 AT 84; 95) DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH, THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

37. OBJECTION: EXH 1 PT., SELF-SERVING, CLAIM ACTS THAT DID NOT OCCUR. PLAINTIFF HAS CONSISTENTLY SAID THE EXHIBITS USED TO SUPPORT DEFENDANTS MOTION FOR SUMMARY JUDGEMENT CONTAIN ACTS THAT SIMPLY DID NOT OCCUR. IN THE MOST POLITE TERM, WHAT WAS ALLEGED IN Doc # 152, 35, 36, HERE AT 37, 38, SIMPLY DID NOT OCCUR. NO CLAIM ALLEGED FOR ACTS ON 2, 24, 20, DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF PRC. DC SUMF: 3:19-cv-00196

GENUINE ISSUE OF MATERIAL FACT, AND FAILED
 38. OBJECTION: THIS APPEARS TO BE DEFENDANTS CONSTRUCTING A RED HERRING, NOT WANT-
 ING THIS COURT TO SEE DOC # 60-62 AT 122, 134, 135, 139, 140, 152-155, 167, 178, 182, 183, 186, 172;
 173, 175, 178, 184, 188-199; 301, 318, 380-383, 391, 392, 394, 395, 406, 407, 422, 423;. EXH 1-100, ARE SELF-
 SERVING, CONTAIN CLAIMS OF FACTS THAT DID NOT OCCUR. DEFENDANTS ARE NON-MEDICAL
 STAFF YET HAVE THIS PASSIONATE INTEREST IN DEFENDING THE NON CONDUCT, ANY/OR
 CONDUCT OF MEDICAL DEFENDANTS, CORRECTIONS DEFENDANTS, MOVANTS HAVE THE DUTY
 TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.
 39. OBJECTION: YET, ANOTHER ATTEMPT TO CREATE A RED HERRING, NO CLAIM ALLEGED FOR
 MEDICINES PRESCRIBED, MOVANTS, HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE OF
 MATERIAL FACT, AND FAILED.

40. OBJECTION: EXH 1, PP. 8, 11, SELF-SERVING, PROCLAIM ACTS THAT DID NOT OCCUR. PLAINTIFF EXPLAINED IN DETAIL THE SOURCES OF PAIN-N-DISCOMFORT, DOC # 127 AT 6, 13, 18, 44, 20,
 50, 52, 58, 59, 61, 63, 84, 86, 88, 93-98, 110, 111, 116; EXH 55 AT 3-8, 23, 26, 36-41, DEFENDANT, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED, THE MOTION FOR SUMMARY SHOULD BE DENIED EXH 56 AT I-IX.

41. OBJECTION: EXH 1, P. 1; SELF-SERVING, MAKE CLAIMS TO ACT THAT DID NOT ACCUR. ATTEND-
 ING ASCHEDULED SICK CALL ^{NOT} IS MANDATORY FOR ALL INMATES. WHEN A INMATE
 REFUSE TO ATTEND A SCHEDULED SICK CALL THAT INMATE IS GIVEN A MISCONDUCT RE-
 PORT; SEE DOC # 54, DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GEN-
 UINE ISSUE OF MATERIAL FACT, AND FAILED, MOTION FOR SUMMARY JUDGMENT SHOULD
 BE DENIED, WHAT IS THE MISCONDUCT NUMBER?

42. OBJECTION: DENIAL IS NOT SUFFICIENT EVIDENCE TO SUPPORT A MOTION FOR SUMMARY
 JUDGMENT, DOC # 127 AT 6, 8-20, 82, 95-96 EXH 55 AT: 3-10, 9, 12-14, 18, 23, 26, 34-41, Docs 60-
 62 AT 24, 29, 41. WHAT IS MOTIVATING CORRECTIONS DEFENDANTS TO CONCOCT SUCH A
 SCHEME TO BLAME PLAINTIFF FOR MEDICAL DEFENDANTS ALLEGED MIS CONDUCT. DEFEND-
 ANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUES OF MA-
 TTERIAL FACT, AND FAILED, MOTION FOR SUMMARY JUDGMENT SHOULD BE DENIED.

43. OBJECTION: NO CLAIM ALLEGED FOR CARE PROVIDED. CLAIMS ALLEGED FOR CARE
 DENIED.

44. OBJECTION: EXH. 1, AP. 8, 9, 17, 17, 18, 35, 36, 47-58, SELSERVING, CLAIMS OF FACTS THAT DID
 NOT OCCUR, DOC # 127 AT 6, 15, 84; EXH 55 AT 3-8, 14, 37-41, THE MOTION FOR JUDGMENT
 SHOULD BE DENIED, DEFENDANT, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF
 GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

45. OBJECTION: EXHS 1-3; SELF-SERVING-N CLAIMS ACTS THAT DID NOT EVER OCCUR, SEE DOC
 # 127 AT 6, 12, 15, 17-19, 63, 10, 84, 88, 87, 93, 11, 95; EXH 55 AT 3-9, 12, 13, 14, 18, 34-35;
 DEFENDANTS MOTION FOR SUMMARY JUDGMENT, SHOULD BE DENIED, DEFENDANTS, MOVANTS
 HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

46. OBJECTION: EXH. 1, IS SELSERVING, CLAIM EVEN THAT DID NOT OCCUR. DENIAL IS
 INSUFFICIENT SUPPORT FOR SUMMARY JUDGMENT, DOC # 127 AT 14, 96, 58; EXH 55 AT 4, 5.
 DEFENDANTS, MOVANTS, HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF
 PRC DOCSUMF # 3:19-cv-00196 (5)

MATERIAL FACT, AND FAILED. DOC# 600-62 AT 393
 47. OBJECTION, EXH 1, SELF SERVING, CLAIMS EVENTS THAT DID NOT OCCUR. DENIAL IS NOT SUFFICIENT TO SUPPORT A MOTION FOR SUMMARY JUDGMENT, (DOC# 127 AT 6, 9-12, 15-20, 36-46, 48-63; 84, 87, 88, 94, 95, 98, 100, 101, 103, 111, 116 EXH 55 AT 4-8, 10-14, 18, 23, 30, 34-44.)
 DOC# (60-62 AT 4-9, 23, 38-39, 43, 48-51, 394, 395, 411-415, 417, 34, 66, 84-88)

DEFENDANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT AND FAILED.

48. OBJECTION: EXH 1, P. 4. SELF SERVING, PROPS CLAIMS OF ACTION THAT DID NOT OCCUR, DOC# AT 75.
 (DOC# 127 AT 40) DEFENDANTS USE OF HEARSAY, CORRECTION. DEFENDANT RELYING ON THE WORD OF MEDICAL PROFESSIONALS, IS INSUFFICIENT EVIDENCE TO SUPPORT MOTION FOR SUMMARY JUDGMENT, DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

49. OBJECTION: EXH 1, P. 5; SELF SERVING, CONTAIN REFERENCE TO ACTS THAT DID NOT OCCUR. NONE OF PLAINTIFF HEALTH PROBLEMS, ACCORDING TO MEDICAL DEFENDANTS OWN MANUAL OF MEDICAL PRACTICE RECOMMENDED THE TREATMENT SUBMITTED. N.B. NO CLAIM IS ALLEGED DUE TO THE DENY OF CARE FOR WHIPPLES (DOC# 127 AT 81, 110) DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE MATERIAL FACT, AND FAILED.

50. OBJECTION: THIS ENTRY IS THE FIRST TO CONCERN A CORRECTION DEFENDANT, AND IMMEDIATELY DEFENDANTS ATTEMPT TO CREATE A RED HERRING, e.g., FEBRUARY 2019 PLAINTIFF WAS MOVED TO A DIFFERENT LOCATION, SO THE REFERENCE TO 10.2.19-3.6.2020 IS NOTHING MORE THAN A DISTRACTION. IT CAN BE CONSTRUED THAT DEFENDANTS AGREE THAT PRIOR TO 10.2.19 THERE ARE INDICATION THROUGHOUT PLAINTIFF'S MEDICAL RECORDS THAT PLAINTIFF SHOULD BE PLACED IN A DIFFERENT CELL. N.B., THE CLAIM ALLEGED CONCERNING PSYCHOLOGICAL EFFECT OF CELL LOCATION DO NOT EXTEND BEYOND FEBRUARY 2019. DEFENDANTS REFERENCE EXH 1, A DOCUMENT CONTAINING SELF-SERVING COMMENTS, HEARSAY, ASSERTIONS, CLAIMS OF ACTS THAT DID NOT OCCUR. DEFENDANT, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT AND FAILED.

51. OBJECTION. AGAIN, EXH 5, PGS 158; 159, AN ATTEMPT TO CREATE A RED HERRING, i.e., WITH THE EXCEPTION OF PAGES 158; 159, EXH 5 CONSIST OF NON PSYCHOLOGICAL REPORT. DEFENDANTS USE THE DATES 7.2.18 - 10.2.19, THEN FAILED TO PROVIDE A PSYCHOLOGICAL REPORT WITHIN THAT TIME SPAN; THE REMAINDER OF EXH 5 CONCERN PLAINTIFF PHYSICAL HEALTH PROBLEMS WHICH NO CLAIM IS ALLEGED THAT CORRECTION DEFENDANTS IN WASHINGTON V. DE LISMA, CAUSED PLAINTIFF PHYSICAL HEALTH PROBLEM DUE TO CELL LOCATION. YES PLAINTIFF WORD ARE CITED THAT'S WHY IT IS A REPORT. NO CLAIMS ALLEGED FOR BEING DENIED OUT OF CELL ACTIVITIES, DEFENDANTS, MOVANT, HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

52. OBJECTION: EXHS. 1; 5 CONSIST OF ONLY TWO PAGES OF PLAINTIFF MENTAL HEALTH, FOR OBVIOUS REASONS DEFENDANTS SELECTED, IT IS NOT AN ANALYSIS. BUT PLAINTIFF WORDS DO INDICATE A NEED TO BE MOVED TO ANOTHER CELL. MEDICAL STAFF DO NOT PROVIDE MENTAL HEALTH PROGS. DISUMF #3; 19-CV-00196

Case 3:19-cv-00196-LPL Document 172 Filed 01/21/22 Page 7 of 11 ANALYSIS. EXHS 1, 5, ONLY CREATE A R.R.D HERRING. DEFENDANTS (SEE Doc# 27 AT 21,22,26; 27-32; 34; 68; 75-80; 86; 89,97,98; EXH 55 AT 344; 43; 26; 23; 30; 34-4) THE MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

55. OBJECTION: EXHS 6,7; DEFENDANTS WOULD LIKE THIS COURT TO BELIEVE THAT THE CAUSE OF ACTION THAT ALLEGED TO HAVE OCCURRED ON 10.7.17 WAS ALLEGED IN WASHINGTON V. BARNHART, NOT! SO, BECAUSE EACH ACT OF RETALIATION IS A DISCRETE CAUSE OF ACTION INTONENSKIE V. FISHER, 857 Fd 152, 158 (3d Cir 2017); AND IN THE ALTERNATIVE, THE CLAIMS ALLEGED IN WASHINGTON V. DELISMA, ARE A PART OF CONTINUING VIOLATION COWELL V. PALMER TWP.; THEREFORE, IN BOTH VIEWS, CLAIMS ALLEGED IN WASHINGTON V. DELISMA, ARE NOT THE SAME CLAIMS ALLEGED IN WASHINGTON V. BARNHART. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH GENUINE ISSUE OF MATERIAL FACT, AND FAILED

56. OBJECTION: BASED ON DEFENDANT OWN ACTIONS A REASONABLE FACT FINDER WHILE VIEWING THE EVIDENCE IN PLAINTIFF FAVOR CAN BELIEVE DEFENDANT ACTIONS WERE MOTIVATED BY RACE (DOCS #60-62 AT 27, 30; 31; 38-41; 56; 57-62; 70; 73; 108; 111; 109; 112; 113; 206-210; 342; 421; 397 EXH 55 AT 810, 820; 37-41; Doc # 127 AT 38; 39; 40; 91; 96; 76 DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

56. OBJECTION: EXH 8, SELF SERVING, CLAIM ACTS THAT NEVER TOOK PLACE, ALL INMATES THROUGHOUT THE PA. DOC WHO ARE ASSIGNED TO THE RTU IS ASSIGNED TO THE RTU TO FACILITATE THAT INMATE MENTAL HEALTH ISSUES. PLAINTIFF WAS TREATED NO DIFFERENT. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

56. OBJECTION: EXH 8, SELF SERVING, CLAIM ACTS THAT DID NOT OCCUR. EVERY INMATE THAT REFUSE TO PARTICIPATE IN - AND WAS DISRUPTIVE, PROGRAMMING; THAT INMATE WOULD BE GIVEN WARNING, WRITTEN WARNINGS, INCIDENT REPORT, AND FOR A MISCONDUCT, WHERE ARE WRITTEN WARNINGS - INCIDENT REPORT; AND MISCONDUCT NUMBER - MISCONDUCT OR INCIDENT REPORT HEARING, DATES, DATES-N- SANCTIONED PUNISHMENT. ADDITIONALLY, IN TWO SEPARATE DECLARATIONS (ONE IS ATTRIBUTED TO BRIEF IN OPPOSITION) (AND DOCUMENT 153-10 AT PP. 183, 184) AND INITIAL REVIEW RESPONSE, GRN. 830855 DO NOT! STATE THAT PLAINTIFF WAS DISRUPTIVE, OR REFUSED TO PARTICIPATE IN RTU PROGRAMS. NO INCIDENT REPORT, WRITTEN WARNING (IT IS UNHEARD OF FOR AN INMATE TO RECEIVE MULTIPLE WRITTEN WARNINGS, AND/OR MORE THAN TWO MISCONDUCT, STILL REMAIN ON THE RTU) SEE, DEFENDANT, POWERS DECLARATION IN WASHINGTON V. BARNHART, BRIEF, AT LINE 6; DOES THAT SOUND AS IF PLAINTIFF WAS REMOVED CAUSE OF REFUSING TO PARTICIPATE OR DISRUPTIVE. NO WARNING- INCIDENT REPORT - MISCONDUCTS, DEFENDANT HAVE NOT PROVIDED THESE PARTICULARS, AND DEFENDANTS CANNOT PROVIDED THOSE PARTICULARS, BECAUSE LIKE MANY ACTS DEFENDANTS PURPORTED SIMPLY DID NOT OCCUR. ALLEGATIONS ARE INSUFFICIENT TO SUPPORT A MOTION FOR SUMMARY JUDGMENT, AND WHEN A REASONABLE FACTFINDER AFTER ALL INFERENCES ARE DRAWN IN PLAINTIFF FAVOR CAN BELIEVE DEFENDANT, POWERS RETALIATED AGAINST PLAINTIFF HAVING PLAINTIFF REASONE FROM THE RTU. DEFENDANTS, MOVANTS HAVE PROCLAMPTION 3:19-CV-00196

A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED. 57 OBJECTION. EXH 8, A SELF SERVING DOCUMENT, CONTAIN CLAIMS OF ACTS THAT DID NOT OCCUR. THE PREMISE OF PLAINTIFF BEING KOTED OFF THE RTU DUE TO REFUSAL TO PARTICIPATE IN AND WAS DISRUPTIVE OF THE PROGRAMMING IN THE RTU (DOC # 127 AT 43, 42, 75, 76, 78 EXH 55 AT 10, 14, 28, 37-41), IS NOT ACCURATE, CONNECTED TO COVER RETALIATION. WHEN THIS ALLEGATION WITH THE INFERENCE ARE VIEWED IN PLAINTIFF FAVOR, THE MOVANT A REASONABLE FACTFINDER CAN BELIEVE THE ALLEGATION TO BE MATERIAL FACT. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

58. OBJECTION: EXH 8, SELF SERVING, CLAIM ACTS THAT NEVER OCURRED. FIRST-OF-FORMOST, NO CLAIM ALLEGED FOR BEING DENIED USE OF GYM FACILITIES. N.B. RTU HAS A UNIVERSIAL WEIGHT LIFTING SET IS LOCATED ON THE AB POD WHICH PLAINTIFF, AS WELL AS 'ALL' OTHER INMATES WERE FREE TO USE; AFTER DEFENDANT, BOWERS, RECEIVED THE U.S. MARSHALL FORMS-N-THE COMPLAINT, DEFENDANT, BOWERS NOT LONG AFTER LOTS OF BRAGGING TAUNTING, MOVED PLAINTIFF TO A MOST INCONDUCTIVE ENVIRON-MENT TO PLAINTIFF MENTAL-N-PHYSICAL HEALTH. WHEN THE EVIDENCE IS VIEWED IN FAVOR OF PLAINTIFF A REASONABLE FACTFINDER CAN BELIEVE THE REMOVAL FROM RTU TO BE MATERIAL TO RETALIATION, N.B. PLAINTIFF REMAINED ON THE RTU FOR MONTHS AFTER PLAINTIFF D-CODE WAS REMOVED, LIKE MANY OTHER INMATES, MOST WHITE INMATES, UNTIL DEFENDANT, BOWERS RECEIVED THE U.S. MARSHAL FORMS-N-COMPLAINT.. NOT TOO LONG AFTER, WHILE TAUNTING BRAGGING, DEFENDANT, BOWER MOVED PLAINTIFF AWAY WHILE ALLOWING WHITE INMATES TO REMAIN. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH A ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

59. OBJECTION, EXH 8, SELF SERVING, CLAIM ACTS THAT DID NOT OCCUR, NO CLAIM ALLEGED FOR DENIAL OF GYM OR FOR BEING REMOVED FROM THE RTU. DEFENDANT, BOWER BRAGGED-N-TAUNTED, THEN ACTED ON HIS THREAT (DOCS # 60-62 AT 21, 30, 31, 35, 37, 40-62, 210, 302-304, 253, 381-383, 397, 398, 406-407, 421-422, 42, 43, 46, 88, 89, 97, 98, 100, 101 LOCATED AT DOC # 127) (EXH 55: 10, 14, 26, 28, 36-41) DENIAL IS NOT SUFFICIENT TO SUPPORT MOTION FOR SUMMARY JUDGMENT. WHEN THE ALLEGED ACT IS EXAMINED WHILE DRAWING ALL JUSTIFIABLE INFERENCES IN FAVOR OF PLAINTIFF, NON MOVANT A REASONABLE FACT FINDER CAN FIND THAT DEFENDANT, BOWERS REMOVING PLAINTIFF FROM THE RTU, AND FORCING PLAINTIFF TO REMAIN IN CELL LOCATED IN A AREA DEFENDANT, BOWERS KNEW WOULD DEFINITELY CAUSE PLAINTIFF PSYCHOLOGICAL DAMAGE. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

60. OBJECTION: CORRECTION, PLAINTIFF AND THE PA. DOC ENTERED A SETTLEMENT AGREEMENT AT CASE NUMBER 497 P.3A 272 (3d CR, 2007)

61. OBJECTION: DEFENDANTS SELECTED PORTION OF THE SETTLEMENT, IS MISLEADING, BY EXCLUDING THE CLAUSE AT PP. 7, 8 WHERE IT STATES "TO THE EXTENT THAT MR WASHINGTON NEEDS TO POSSESS INSIDE HIS CELL MORE THAN THE AMOUNT OF PROPERTY

ALLOWED BY THIS AGREEMENT BECAUSE OF ACTIVE LITIGATION, HE MAY PETITION THE SUPERINTENDENT FOR PERMISSION TO POSSESS EXCESS LEGAL MATERIAL, Doc# 127, EXH 49, pp.78

62. OBJECTION: THE PREMISE OF PLAINTIFF WAS PROVIDED ADDITION PROPERTY PER. DICTATES OF THE SETTLEMENT IS INACCURATE Doc # 127 at 8; 33-35, 38, 39, 41-44, 114;

115; EXH: 55 AT 20, 21. WHEN THE FACTS ARE CONSIDERED IN THE LIGHT FAVORABLE

TO PLAINTIFF, THE NONMOVANT, A REASONABLE FACTFINDER CAN BELIEVE PLAINTIFF HAS A GENUINE ISSUE. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACTS, AND FAILED. EXH 49, pp.7, 8

63. OBJECTION: EXH 11, SELF-SERVING, CLAIMING ACT THAT DID NOT OCCUR. ALLEGATIONS IS INSUFFICIENT TO SUPPORT MOTION FOR SUMMARY JUDGMENT. EACH TIME DOC STAFF REMOVE PROPERTY FROM A IMATE'S CELL FOR ANY REASON THAT STAFF MEMBER MUST PROVIDE THAT INNATE WITH A CIR (CONFISCATED ITEMS RECEIPT). THIS INCLUDES PROPERTY STORED IN THE R-N-D. PLAINTIFF IS DECLARING DEFENDANTS CLAIMS OF REMOVING PROPERTY FROM PLAINTIFF CELL DUE TO FIRE-N-SAFETY HAZARD PREVENTION DID NOT HAPPEN.

DEFENDANTS DID NOT, AND CANNOT PROVIDE THIS COURT WITH A COPY OF THE C.I.R. CONCERNING HAVING REMOVED PROPERTY FROM PLAINTIFF CELL, BECAUSE IT DID NOT OC-
CUR. WHEN THE INFERENCES ARE DRAWN IN A LIGHT FAVORABLE TO PLAINTIFF, THE NON MOVANT A REASONABLE FACTFINDER CAN BELIEVE HAS A VALID ISSUE. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

64. OBJECTION: EXH 11, SELF SERVING, CLAIMIN ACTS THAT DID NOT OCCUR. THE PREMISE OF PROPERTY BEING REMOVED FROM PLAINTIFF CELL DUE FIRE -N-SAFETY CONCERN, PLACED IN R-N-D, AND IS SAFELY -N-SECURELY KEPT IN R-N-D IN AN ASSERTION, ASSERTION IS NOT FACT.

AGAIN, NO PROPERTY WAS EVER REMOVED FROM PLAINTIFF CELL. DEFENDANTS VERSION OF THE EVENT CONFLICTS WITH PLAINTIFF VERSION. BIG APPLE BMW INC. 974 F.3d AT 1343, PLAINTIFF, NON MOVANT VERSION MUST BE TAKEN AS TRUE. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

65. OBJECTION: EXH 11, SELF SERVING, CLAIM ACTS THAT DID NOT OCCUR. TO DATE! ONGOING FOR MORE THAN 10-STRAIGHT WEEKS THE R-N-D SERGEANT, R.L. YACHTER, HAS ESSENTIALLY DENIED PLAINTIFF ACCESS TO THE PROPERTY BEING KEPT IN R-N-D BY DEMANDING THAT PLAINTIFF 77-PLUS YEARS OF AGE RISK INJURY BY ENTERING A AREA APP LIMITS TO 'ALL' OTHER INMATES IN THE DOC; LIFT HEAVY BOXES -N- FOOT LOCKER, WHILE THE INMATES LESS THAN 40 YEARS OF AGE WHO ARE PAID TO DO THIS WORK; NO OTHER INMATE IS ASK TO DO THIS. R-N-D SERGEANT, R.L. YACHTER, WHO HAS CONTINUOUSLY USED TALK IN RACIST OVERtones, ABANDON WHAT HAS DONE TO PROVIDE PLAINTIFF TO PROPERTY N-EXCHANGE, WHICH EXISTED FOR 676 STRAIGHT WEEKS. DEFENDANT, TICE IS CURRENTLY REFUSING TO RESPOND TO PLAINTIFF GRN #954634, CONCERNING R-N-D SET, R.L. YACHTER DENYING PLAINTIFF HIS PROPERTY EXCHANGE. DEFENDANT, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

66. OBJECTION: DEFENDANT, TICE HAS ADMITTED UNAMBIGUOUSLY DECLARED THAT DEFENDANT, TICE MADE A MISTAKE IN NO LONGER APPROVING PLAINTIFF TO POSSESS

WHEN THE EVIDENCE IS INFERRED IN THE PLAINTIFF FAVOR A REASONABLE FACTFINDER CAN BELIEVE DEFENDANTS DENIAL OF NINE BOXES OF PROPERTY INSIDE OF PLAINTIFF CELL VIOLATED THE SETTLEMENT AGREEMENT (EXH: 49 PP 7,8). DEFENDANT, MOVANTS, HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

67. AGREE.

68. AGREE. N.B. ONE OF THE CLAIMS PLAINTIFF ALLEGED WAS BEING DENIED ACCESS TO THE INMATE GRIEVANCE SYSTEM, DC-ADM 804 DOCS # 60-62 AT 30; 31; 74; '89; 90-7/34; 913; 214; 386-388; 387; 388; 399; # 419

69. AGREE; SEE ABOVE AT 68.

70. OBJECTION) EXH 10 AT P3 (1B) ON TELL A SMALL PART OF THE STORY : PRISON OFFICIALS CAN EXCUSE AN INMATE'S FAILURER TO IDENTIFY THE PERSON THE GRIEVANCE WAS FILED AGAINST. SPURILLI V. BILLIS, 372 F.3d 218, 234 (3d Cir., January 13, 2004).

71. OBJECTION) EXH 10 P.5; A SELECTED PORTION, MISLEADS, AND TELL PART OF THE FAULTY CONCLUSION. PPA POLICY (DC-ADM 804 SEC. 2-APEALS B. 1(a) "THE DECISION FROM THE APPEAL TO FACILITY MANAGER/DESIGNEE MUST BE RECEIVED BY THE INMATE BEFORE AN APPEAL TO FINAL REVIEW CAN BE SOUGHT"; SAME WHEN APPEALING TO FACILITY MANAGER, DC-ADM 804 SEC. 2. A 1(a); SEE PP 15,18; DOCT# 153-14 ROSS V. BLAKE, 136 S. CT, 1850, 1850, 1859 (2016) (AVAILABLE, NOT AVAILABLE. ADMINISTRATIVE REMEDY, ALTHOUGH OFFICIALLY ON THE BOOKS IS NOT AVAILABLE BECAUSE IT IS NOT CAPABLE OF USE TO OBTAIN RELIEF")

DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

72. OBJECTION: EXH 6 AT PP. 133-147, DEFENDANTS ATTEMPT TO CREATE A RED HERRING, THIS DOES NOT DEMONSTRATE A ABSENCE OF GENUINE MATERIAL FACT, THE MOTION FOR SUMMARY JUDGMENT SHOULD BE DENIED, BECAUSE DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

73. OBJECTION; DEFENDANTS ATTEMPTING TO CREATE A RED HERRING. DEFENDANTS ABANDON THEIR DUTY, AS THE MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

74. OBJECTION; THIS IS A RED HERRING, AND DO NOT DEMONSTRATE A LACK OF MATERIAL FACT, NOT REQUESTING MONETARY DAMAGES IN A GRIEVANCE IS NOT A FAILURE TO EXHAUST. BROWN V. CROAK, 312 F.3d 109, 113 (3rd Cir., 2002) (MISLEADING INSTRUCTIONS). DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH A ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

75. OBJECTION; ONCE AGAIN, A RED HERRING. DEFENDANTS,MOVANT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

76. OBJECTION; A RED HERRING, DEFENDANTS, MOVANTS HAVE THE DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

77. OBJECTION; A RED HERRING. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

78. OBJECTION; A RED HERRING. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTAB-

LISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED
TO PROVE IT. PLEASE SEE ATTACHED RELEVANT DOCUMENTS FOR FURTHER INFORMATION.

LIST THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

80. OBJECTION: EXH 18, MISLEADS; MAKE CLAIMS THAT IS PLAINLY FALSE. (DOC# 10-12 AT 248; DOC# 127 AT 36, 109; EXHS #48, 55 AT 22. DEFENDANTS, MOVANTS, HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT AND FAIL TO

81. OBJECTION: RED HERRING, DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

82. OBJECTION: RED HERRING. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

83 OBJECTION, RED HERRING, DEFENDANTS, MOUNT HAVE A DUTY TO ESTABLISH THE ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

84. OBJECTION TO HAVING DEFENDANTS, MOUNTANTS HAVE A DUTY TO ESTABLISH THE
ABSENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

85. OBJECTIONS AND HERRING. DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE ABSENCE OF CRIMINAL ISSUE OR MATERIAL FACT, AND FAILED

86. OBJECTION: PLAINTIFFS, DEFENDANTS, MOVANTS HAVE A DUTY TO ESTABLISH THE PRESENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED.

81. A KILLED HERRING; YES PLAINTIFF OBJECTS, DEFENDANTS, MOVANTS, HAVE A DUTY TO ESTABLISH A PRESENCE OF GENUINE ISSUE OF MATERIAL FACT, AND FAILED

SS. N.B. PLAINTIFF ALLEGES AND INCORPORATES BY REFERENCE THE ENTIRE PLEADINGS OF PLAINTIFF BRIEF IN OPPOSITION TO MEDICAL DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc #131-141). PLAINTIFF RESPONDS TO STATEMENT, UNCONTENDED FACT OF DEFENDANTS; PLAINTIFF
~~REBUTTED~~
THAT DEFENDANT REBUDED ON PLEA, RIGHT TO PLEAD IN DEFENSE, PRESENTED AND TESTIFIED
REBUTTED, IN BELIEF WITHIN HER KNOWLEDGE IN OPPOSITION TO CORROBORATIONS DEFENDANT'S
MOTION FOR JUDGMENT, Doc #151.

VERIFICATION

I HAVE READ THE FOREGOING PLAINTIFF'S RESPONSE TO CORRECTIONS DEFENDANT'S CONCISE STATEMENT OF UNDISPUTED MATERIAL FACTS, AND HEREBY VERIFY THAT THE RESPONSES THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEFS, AND AS TO THOSE, I BELIEVE THEM TO BE TRUE.
PURSUANT TO 28 U.S.C. §§ 1746, I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT; EXECUTED THIS 17 DAY OF JANUARY 2022, AT SCI-SOMERSET,
SOMERSET, PA.

"RESPECTFULLY SUBMITTED"
S/Henry Unsell Washington
HENRY UNSELL WASHINGTON
AM 3286 PRO SE

PR CDC SUMF 3/19 - CV-20194